

**United States District Court
Southern District of Texas
Victoria Division**

STATE OF TEXAS, *et al.*,
Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY, *et al.*,
Defendants.

Case 6:23-cv-00007

**DEFENDANTS' OBJECTIONS TO
PLAINTIFFS' TRIAL EXHIBITS**

Pursuant to the Court's Individual Rules, section 20(d), Defendants note their objections to Plaintiff's trial exhibits, ECF No. 195.¹

EXHIBIT NUMBER	DESCRIPTION	OBJECTION^{2 3}
1	ECF 22 Plaintiff States' Motion for Preliminary Injunction	Federal Rule of Evidence (FRE) 402, 701, 802
2	ECF 22-1 Jan. 5, 2023, Homeland Security Press Release	
3	ECF 22-2 USCIA [sic] Processes for CHNV	

¹ By filing these objections, Defendants do not waive their right to file further motions *in limine* by the August 9, 2023 deadline. ECF No. 159.

² Defendants make all potential objections based on the face of the document in an abundance of caution. Defendants may not assert all objections listed at trial depending on the foundation laid and the context in which each exhibit is proffered.

³ As a general matter, Defendants object to the extent any of these exhibits are used in the context of Plaintiffs' APA claims. It is well settled that judicial review of agency action under the APA is generally limited to review of the administrative record. 5 U.S.C. § 706; *Florida Power & Light Co. v. Lorion*, 470 U.S. 729, 743–44 (1985). Should Plaintiffs attempt to use or offer these exhibits in that context, Defendants will raise their objections to the Court at that time.

4	July 20, 2023, Declaration of Sheri Gipson, Tex. Dep't of Public Safety	FRE 402, 802 ⁴
5	May 25, 2023, Declaration of Rebecca Waltz, Tex. Dep't of Criminal Justice	FRE 402, 802
6	May 24, 2023, Declaration of James Terry, Tex. Educ. Agency	FRE 402, 802
7	May 30, 2023, Declaration of Susan Bricker, Tex. Health & Human Services Comm.	FRE 402, 802
8	Defendants' 23-cv-0007_00001-3; Oct. 17, 2022, "Muster" Memo re: "Processing of Venezuelan Nationals Arriving in the US with Advance Travel Authorization"	
9	Defendants' 23-cv- 0007_00004-6; Oct. 17, 2022, Memo re: "Processing of Venezuelan Nationals Arriving in the US with Advance Travel Authorization"	
10	Defendants' 23-cv- 0007_00007-9; Jan. 5, 2023, Memo re: "Processing of Cuban Nationals Arriving in the US with Advance Travel Authorization"	
11	Defendants' 23-cv- 0007_00010-12; Jan. 5, 2023, Memo re: "Processing of Haitian Nationals Arriving in the US with Advance Travel Authorization"	
12	Defendants' 23-cv- 0007_00013-15; Jan. 5, 2023, Memo re: "Processing of Nicaraguan Nationals Arriving in the US with Advance Travel Authorization"	
13	Defendants' 23-cv- 0007_00016-18; Jan. 5, 2023, Memo re: "Updated Processing of Venezuelan Nationals Arriving in the US with Advance Travel Authorization"	
14	Defendants' 23-cv- 0007_00019-21; Jan. 5, 2023, "Muster" Memo re: "Processing of Cuban Nationals Arriving in the US with Advance Travel Authorization"	

⁴ Defendants object to Exhibits 4 – 7 being entered as exhibits, but do not object to the declarations being used in lieu of direct testimony. The parties have entered a stipulation to that effect, and that stipulation will be filed shortly on the docket.

15	Defendants' 23-cv- 0007_00022-24; Jan. 5, 2023, "Muster" Memo re: "Processing of Haitian Nationals Arriving in the US with Advance Travel Authorization"	
16	Defendants' 23-cv- 0007_00025-27; Jan. 5, 2023, "Muster" Memo re: "Processing of Nicaraguan Nationals Arriving in the US with Advance Travel Authorization"	
17	Defendants' 23-cv- 0007_00028-30; Jan. 5, 2023, "Muster" Memo re: Updated Processing in Venezuelan Nationals Arriving in the US with Advance Travel Authorization"	
18	Defendants' 23-cv- 0007_00031-40; USCBP National Targeting Center PowerPoint re: "ATA Vetting Procedures"	FRE 402
19	Defendants' 23-cv- 0007_00041-65; April 2023 USCIA PowerPoint re: Uniting for Ukraine/CHNV Parole Processes Review of Form I-134A"	FRE 402
20	Defendants' 23-cv- 0007_00066-72; March 29, 2023, USCIS Detailee Refresher Training	FRE 402
21	Defendants' 23-cv- 0007_00073-113; Office of Policy and Strategy, Immigration Records and Identity Services Directorate "Form I-134A — Reviewers Guide (Last revised April 11, 2023)	FRE 402
22	Defendants' 23-cv- 0007_00114-17; "Step-by-Step Guide for Form I- 134A, Online Request to be a Supporter and Declaration of Financial Support"	FRE 402
23	Defendants' 23-cv- 0007_00118-26; "U4U Supporter Vetting Processes for FDNS and SCOPS SBU"	FRE 402
24	Defendants' 23-cv- 0007_00127-29; "Ways to find duplicate cases"	FRE 402
25	Defendants' 23-cv- 0007_00130-33; "Adding Beneficiary A# in ELIS from a previously confirmed case"	FRE 402
26	Defendants' 23-cv- 0007_00134-35; "How to Modify a Beneficiary's Passport <u>Country</u> in ELIS"	FRE 402

27	Defendants' 23-cv- 0007_00136; "How to Modify a Beneficiary's <u>email</u> address in ELIS"	FRE 402
28	Defendants' 23-cv- 0007_00137-44; "Administratively Closed Guide"	FRE 402
29	Defendants' 23-cv- 0007_00145-50; Parole Beneficiary Statistics by Nationality	
30	Defendants' 23-cv- 0007_00151-176; USCBP "CBP One"	FRE 402
31	State Dep't Online DS-160 Form (Non-Immigrant Visa Application) Example	FRE 402
32	State Dep't Online DS-260 Form (Immigrant Visa Application) Example	FRE 402
33	Customs and Border Protection ESTA (Electronic System for Travel Authorization) Form	FRE 402
34	US Citizenship and Immigration Services Form I-129 (Petition for a Nonimmigrant Worker)	FRE 402
35	US Citizenship and Immigration Services Form I-130 (Petition for Alien Relative)	FRE 402
36	US Citizenship and Immigration Services Form I-140 (Immigrant Petition for Alien Workers)	FRE 402
37	US Citizenship and Immigration Services Form I-864 (Affidavit of Support Under Section 213A of the INA)	FRE 402
38	May 19, 2023, Defendants' Responses and Objections to Plaintiffs' Revised First Set of Discovery Requests	
39	Defendants' 23-cv- 0007_00177-178; CHNV Process Amendment: Guidance to IRIS Reviewers	
40	Defendants' 23-cv-007_00179-187; CHNV Parole Processes: Change in Form I-134A	

Dated: July 31, 2023

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Respectfully Submitted,

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CERTIFICATE OF SERVICE

I certify that on July 31, 2023, I filed this motion through the Court's CM/ECF system, which served it on all counsel of record.

/s/ Erin T. Ryan

ERIN T. RYAN

U.S. Department of Justice